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*Attorneys for Defendant
Gerber Products Co.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

GERBER PRODUCTS CO., a corporation
d/b/a
NESTLE NUTRITION,
NESTLE INFANT NUTRITION, and
NESTLE NUTRITION NORTH AMERICA.

Defendant.

CASE NO. 2:14-cv-06771-SRC-CLW

**CONSENT ORDER GRANTING
PRO HAC VICE ADMISSION**

This matter having been brought before the Court by Kelley Drye & Warren LLP, counsel for Defendant Gerber Products Co. (“Defendant” or “Gerber”), with the consent of all parties, for an Order permitting David I. Zalman, Esq. and Jaclyn M. Metzinger, Esq. to appear and participate in this action on behalf of Gerber *pro hac vice*, and for good cause shown pursuant to Local Civil Rule 101.1(c) of the United States District Court for the District of New Jersey:

It is on this 10 day of APRIL, 2015, hereby

ORDERED that David I. Zalman, Esq., a member in good standing of the bars of the courts for the State of New York, the United States District Courts for the Southern District

of New York and the Eastern District of New York, and the United States Court of Appeals for the Second Circuit, be permitted to appear *pro hac vice* in the above-captioned matter on behalf of Gerber pursuant to Local Civil Rule 101.1(c) of the United States District Court for the District of New Jersey; and it is

FURTHER ORDERED that Jaclyn M. Metzinger, Esq., a member in good standing of the bars of the courts for the state of New York and the United States District Courts for the Southern District of New York and the Eastern District of New York, be permitted to appear *pro hac vice* in the above-captioned matter on behalf of Gerber pursuant to Local Civil Rule 101.1(c) of the United States District Court for the District of New Jersey; and it is

FURTHER ORDERED that all papers in this action shall be served upon Geoffrey W. Castello, Kelley Drye & Warren LLP, One Jefferson Road, 2nd Floor, Parsippany, New Jersey, which shall be deemed sufficient service on David I. Zalman as counsel for Gerber; and it is


FURTHER ORDERED that David I. Zalman and Jaclyn M. Metzinger shall:

1. abide by the rules governing the courts of the State of New Jersey, including all disciplinary rules, including, but not limited to, the provisions of Local Civil Rule 103.1 and Local Civil Rule 104.1;
2. make payment to the New Jersey Lawyers' Fund for Client Protection in accordance with New Jersey Court Rule 1:28-2 within twenty (20) days from the date of the entry of this Order;
3. notify this Court immediately of any matter affecting his or her standing at the bar of any other court; and
4. have all notices, orders, pleadings, and other papers filed with the Court signed by a member of the bar of this Court who shall be held responsible for them and for the conduct of Mr. Zalman and Ms. Metzinger; and it is

FURTHER ORDERED that David I. Zalman and Jaclyn M. Metzinger shall make payment of \$150.00 to the Clerk of the United States District Court for the District of New Jersey in accordance with Local Civil Rule 101.1(c)(3), as amended, within twenty (20) days from the date of entry of this Order; and it is

FURTHER ORDERED that David I. Zalman and Jaclyn M. Metzinger shall be deemed to have agreed to take no fee in any tort case in excess of the New Jersey State Court Contingency Fee Rules, Rule 1:21-7, as amended; and it is

FURTHER ORDERED that a copy of this Order shall be served on all counsel by ECF.


Hon. David I. Zalman, U.S.M.J.

Dated: April [], 2015

CONSENTED AND AGREED TO BY:

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| <u>/s/ Victor DeFrancis</u> Victor DeFrancis Ella Krainsky Michelle Rusk Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, D.C. 20850 vdefrancis@ftc.gov (202) 326-3495 Caroline A. Sadlowski United States Attorney's Office 970 Broad Street, Suite 700 Newark, New Jersey 07102 (973) 645-6548 Attorneys for Plaintiff | KELLEY DRYE & WARREN LLP <u>/s/Geoffrey W. Castello</u> Geoffrey W. Castello One Jefferson Road Parsippany, New Jersey 07054 gcastello@kelleydrye.com (973) 503-5900 Attorneys for Defendant Gerber Products Co. |
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